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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situations that require the Council's attention

Letter dated 26 March 2014 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I refer to the letter dated 24 February 2014 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council (A/HRC/25/G/14).

Unfortunately it has become commonplace for the Permanent Mission of Azerbaijan to distribute periodically verbatim repetitions of unbridled propaganda of the authorities of Azerbaijan against my country, such as the letter circulated as a document of the nineteenth session of the Human Rights Council, which was then copied and pasted into a document of the twenty-second session, and now issued again at the twenty-fifth session.

The Republic of Armenia has already responded both verbally and by circulation of the information prepared by the Ministry of Foreign Affairs of the Nagorno Karabakh Republic (see A/HRC/19/G/10 and A/HRC/22/G/16) to the manipulation of the facts by the Government of Azerbaijani, which continuously misleads the international community, speculates on the memory of the victims and uses the tragic events of Khojaly for its own political purposes, in every way to discredit the Armenian side.

We reiterate our position that the Human Rights Council is not a place to continuously deliver false statements, political speculations and distorted facts, nor to involve other States in endless sessions of mutual accusations on the basis of the principle that "a lie repeated continuously becomes the truth".

The military operation aimed at neutralizing the military base in Khojaly and lifting the blockade around the airport started on 25 February 1992 at 11.30 p.m., and ended on 26 February, at 3 a.m. The units of the Nagorno Karabakh Republic self-defence forces left a humanitarian corridor for the civilians to safely leave the zone of the military operations, of which the Azerbaijani side had been informed in advance. The corridor extended from the

eastern end of Khojaly to the north-east, along the Karkar river, and from the north end of the settlement to the north-east. However, the Azerbaijani authorities did nothing to evacuate the civilian population from the zone of military activities. The area, where photographs were subsequently taken of the numerous bodies of the civilians killed, is situated three kilometres from the town of Aghdam and 11 kilometres from Khojaly. The area had been under uninterrupted control by Azerbaijani units until the fall of Aghdam in the summer of 1993, which excluded any access to that area for the units of the Nagorno Karabakh army.

Following the "logic" of the letter by the Permanent Representative of Azerbaijan, I would like to refer once again to the publications in the media, including Azerbaijani sources, of that period of time, presenting the truth about the events in Khojaly.

According to Azerbaijani journalist M. Safarogly, "Khojaly occupied an important strategic position. The loss of Khojaly was a political fiasco for Mutalibov".

A month after his resignation, Mutalibov gave an interview to Czech journalist Dana Mazalova, which was published in *Nezavisimaya Gazeta*. Speaking of Khojaly, Mutalibov noted:

> According to the Khojaly inhabitants who escaped, all this was organized to remove me. Some forces acted to discredit the President. I don't think that the Armenians, who act very skilfully and carefully in similar situations, could let the Azerbaijanis gain any documents exposing them in fascist actions[.] The general reasoning is that a corridor for the people to escape was really left by the Armenians. Then why did they need to fire? Especially in an area near Aghdam, where there were sufficient forces able to come out and help people.

About 10 years later, the former president of Azerbaijan confirmed his opinions in an interview with the magazine *Novoye Vremya*, saying that "the massacre of Khojaly inhabitants was obviously organized by somebody with the aim of a cout d'état in Azerbaijan".

The independent Azerbaijani cameraman Chingiz Mustafayev, who took pictures on 28 February and 2 March 1992, had doubts about the official Azerbaijani version and began his own inquiry. The journalist's very first report to the Moscow news agency *D-press* on the possible complicity of the Azerbaijani side in the crimes cost Mustafayev his life: he was killed nor far from Aghdam, in circumstances yet to be explained.

Azerbaijani human rights activist Arif Yunusov wrote in *Zerkalo Azerbaijani* in July 1992 that "the town and its inhabitants were deliberately sacrificed to political goals".

Mukhalifat Azerbaijani, a newspaper, reported on 28 April 1992 that Tamerlan Karaev, then the Chairman of the Supreme Soviet of the Azerbaijani Republic, had stated that "the tragedy was committed by the Azerbaijani authorities, specifically by a top official".

Heydar Aliev himself admitted that "the former leadership of Azerbaijan is also guilty" for the Khojaly events. Yet in April 1992, according to the Bilik Dunyasi agency, he expressed an extremely cynical idea, saying "we will benefit from the bloodshed. We shouldn't interfere in the course of events".

Later, when representatives of the Popular Front came to power, the former Azerbaijani Minister for National Security, Vagif Guseynov, stated shortly before his arrest that "the events of January 1990 in Baku and the events in Khojaly are the doing of the same people", hinting at certain political figures from the Azerbaijani Popular Front (APF).

In February 2005, Azerbaijani journalist Eynulla Fatullaev from the independent magazine *Monitoring* spent 10 days in the Nagorno Karabakh Republic, describing his visit

in his materials and interviews. He also dared to doubt the truthfulness of Baku's official version on the death of some Khojaly inhabitants:

> Once, 10 years ago, I met with the Khojaly refugees temporarily living in Naftalan, who frankly told me that, a few days before the attack, the Armenians, with the aid of loudspeakers, kept warning the population of the scheduled operation, suggesting that the civilians leave the settlement and break out of encirclement via a humanitarian corridor, along the Karkar River. Even according to the Khojaly people, they took advantage of this corridor and the Armenian soldiers on the other side of the corridor didn't really open fire on them[.] Getting acquainted with the geographical area, I can confidently say that the inventions on the lack of an Armenian corridor have no grounds. The corridor really existed; otherwise, the Khojaly people, fully encircled and isolated from the outer world, couldn't have broken out of the encirclement. But, having passed the area beyond the Karkar River, the refugees split up into groups and, for some reason, some of them made their way to Nakhijevanik. Apparently, the APF battalions sought more blood on their way to Mutalibov's removal rather than the liberation of the inhabitants of Khojaly."

On 2 March 2005, a few days after the publication by *Monitoring* of Eynulla Fatullaev's first report from Karabakh, the magazine editor, Elmar Guseynov, was shot at the entrance to his house in Baku by an unknown person. Eynulla Fatullaev was convicted on the basis of a series of accusations, including of high treason.

The former Minister for Defence of Azerbaijan, Ragim Gaziev, also confirmed that "a trap was prepared for Mutalibov in Khojaly". In this way, the organizers of the massacre of Khojaly inhabitants achieved two goals at the same time: they removed Mutalibov, who was no longer useful after the collapse of the Soviet Union, and found a reason to launch a loud campaign accusing Armenians of inhuman war methods. The fact that, since 13 February 1992, the Azerbaijani army had been systematically firing Grad rockets aimed at destroying the town of Stepanakert with its 55,000 inhabitants and other nearby Armenian settlements was ignored.

In an interview to Helsinki Watch on 28 April 1992, a Khojaly woman said that "the Armenians delivered an ultimatum [...] that it was better for the Khojaly inhabitants to leave the town with a white flag. Alif Gajiev (leader of the Khojaly defence) informed us about it on 15 February (10 days before the attack), but this didn't frighten either me or the rest. We didn't believe at all that they would be able to capture Khojaly."

After the warnings, however, the majority of the civil population of Khojaly, being informed of the planned operation, decided to move to a safe place. The mass migration of the Khojaly population was widely covered by Azerbaijani television and radio. The Azerbaijani mass media deliberately expressed a negative attitude to those leaving Khojaly denigrating them constantly. We should note that Khojaly, which was turned into a town, was first left just by the people who had been forcedly moved there, mainly Meskhetian Turks, though they were constantly obstructed. Moreover, the municipal administration of Khojaly, which had been warned by the Armenian party, asked for assistance to evacuate the population, but in vain. The mayor of Khojaly in an interview with the newspaper *Megapolis-Express* (Moscow), stated that, "after getting the news on the expected operation on the capture of the town, I asked Aghdam to send helicopters for the evacuation of the elderly, women and children. We were assured that an operation to break the encirclement was being prepared. But no assistance was provided." However, a board member of the Aghdam branch of the APF, R. Gajuev, stated "we could have helped the Khojaly people, having the right forces and abilities. But the republican leaders wanted to demonstrate to the people that they had no forces, and wished to call upon the CIS Army again to help also to suppress the opposition with its support."

Summarizing the above-mentioned, we can state that the inhabitants of Khojaly became hostage of the dirty games played by the Baku authorities, who later turned this tragedy into political capital for manipulations. By regularly launching the issue of Khojaly, Baku tries to draw the attention of the international community away from the massacres of its own citizens of Armenian origin in Sumgait, Baku, Kirovabad, Khanlar and other settlements of Azerbaijan, throughout the territory of which open extermination of Armenians had actually been carried out long before the beginning of military actions. It also took place in the border settlements of the Nagorno Karabakh Republic, in particular in Maragha village where, in April 1992, the invading subunits of the Azerbaijani regular army fiercely killed about 100 civilians.

Unfortunately, these cases were completely forgotten and passed over in silence in the letter of the Permanent Representative of Azerbaijan.

Meanwhile, I would like to comment on the sole new paragraph in the letter of the Permanent Representative of Azerbaijan, in which he attempts to build up a "solid legal base" for imaginary and completely false accusations. I am glad that the Azerbaijani side has studied the Convention on the Prevention and Punishment of the Crime of Genocide and found out the meaning of the term genocide. I hope the Mission of Azerbaijan has also studied the etymology and history of the creation of this term, by Raphael Lemkin, who, while defining the crime of genocide, referred to the very policy of mass extermination perpetrated against the Armenians in Ottoman Turkey. This knowledge will definitely be helpful for the Azerbaijani authorities when they are held accountable before their people and hopefully face trial for the crimes committed by them against the Azerbaijani population of Khojaly.

I would appreciate it if you could circulate the present letter as a document of the twenty-fifth session of the Human Rights Council under the agenda items 3 and 4.

(*Signed*) Charles Aznavour
Ambassador, Permanent Representative